

Daily Journal

MAY 8, 2019



WOMEN

TOP WOMEN LAWYERS 2019

Maria Z. Stearns

Stearns' creative approach to employment defense has made her one of the most sought-after in the field, with big wins in wage-and-hour class actions and Labor Code Private Attorneys General Act claims and a growing focus on helping clients proactively mitigate liability.

Her recent victories include a case on behalf of a large California hospital operator sued in a wage-and-hour class action that included an arbitration agreement.

The agreement didn't include a class action waiver, but Stearns successfully compelled arbitration, then obtained an order that arbitration could proceed on an individual basis only.

Stearns relied on U.S. Supreme Court precedent in *Stolt-Nielsen S.A. v. AnimalFeeds Int'l. Corp.*, 559 U.S. 662, 685-86 (2010), which says an arbitration agreement that doesn't mention class actions can't be used as evidence of a class arbitration agreement.

"A lot of defense attorneys are very afraid to have an arbitrator decide the scope of their authority, because they assume the arbitrator will always want to create a larger case for themselves than a smaller case," Stearns said. "Here, the client said, 'yeah, let's take the risk.'"

The move effectively killed the case, with the plaintiff settling for a nominal amount.

The result is typical for Stearns.

In July 2018, she brokered a \$615,000 settlement for Boot Barn in a wage-and-hour



class action, half of which will be paid in company gift cards.

In 2017, she was hired to defeat a class certification motion after the client, Safelite AutoGlass, lost its motion for summary judgment and feared certification was guaranteed. Stearns came through, helping Safelite present an individual settlement campaign worth about \$800,000 to 1,206 of the approximately 1,500-employee class in

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accordance with *Chindarah v. Pick-Up Stix Inc.*, 171 Ca. App.4th 796 (2009). *Ontiveros v. Safelite*, 15CV-7118 (C.D. Cal., filed Sept. 9, 2015).

U.S. District Judge Dolly M. Gee rejected the agreements, but Stearns obtained emergency relief from the 9th Circuit Court of Appeal, which dismissed the case for lack of jurisdiction in August 2018.

The case then settled in mediation, with Safelite receiving credit for settlement payments already issued.

Stearns also helps clients avoid litigation and plan ahead by overseeing self-audits and working with general counsels to identify potential problems.

"The amount of money clients spend on having us do an audit like that is peanuts compared to the first month of a piece of litigation," Stearns said. "It's fun to be able to help clients get all their ducks in a row in advance of the litigation. I've had a couple clients who have gotten hit, and then we had a really good story to tell."

—Meghann M. Cuniff